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GAO

United States General Accounting Office  
Washington, DC 20548

Office of  
General Counsel

In Reply  
Refer to: B-199951

April 16, 1981

Richard A. Du Bey, Esq.  
7517 43rd Avenue, N.E.  
Seattle, Washington 98115

Dear Mr. Du Bey:

Pursuant to 4 C.F.R. Part 32, we have treated your correspondence with our Claims Group as a request for reconsideration of our Claims Group's disallowance of your claim. Enclosed is the Comptroller General's decision of today concluding that there is no legal basis to allow the claim.

Your letter also refers to the Freedom of Information Act, 5 U.S.C. § 552. [As an agency responsible to Congress, GAO is not subject to the Freedom of Information Act. It is our policy, however, to make our records available to the public to the extent disclosure is consistent with our functions and responsibilities to the Congress and is not prohibited by law.] We have issued regulations concerning the availability of GAO records to the public. See 4 C.F.R. Part 81 (1980).

Our files on your claim contain the following documents, most of which are probably already available to you:

- (1) Your original claim dated March 18, 1980 (Standard Form 1164).
- (2) Letter dated April 18, 1980 from Ron W. Blair, EPA Region X, to GAO Claims Group.
- (3) Your letter dated March 18, 1980 to the Idaho Statesman with invoice and photostat of your check for \$58.20 attached.
- (4) Your letter dated March 18, 1980 to the Central Idaho Star-News with invoice and photostat of your check for \$31.73 attached.
- (5) Your memorandum dated April 8, 1980 to Mr. Blair.
- (6) Letter dated April 15, 1980 from Assistant United States Attorney Jeffery Ring to Mr. Blair.
- (7) Copy of EPA Procurement Information Notice No. 79-25, dated May 21, 1979.



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(8) Memorandum dated January 29, 1980 with copy of stipulation in Fayette Lakes Homeowners Association, Inc. v. Costle attached, from Assistant U.S. Attorney Ring to the Justice Department.

(9) Copies of the summons and complaint in the Fayette Lakes case.

[Note: Items (3) through (9) appear to have been enclosures to item (2).]

(10) Settlement Certificate from GAO Claims Group to you dated June 10, 1980.

(11) Memorandum dated August 4, 1980 from GAO Claims Group referring your claim to GAO Office of General Counsel for reconsideration.

(12) Your letter dated July 22, 1980 to GAO Claims Group.

(13) Your letter dated August 12, 1980 to GAO Claims Group with copy of Memorandum of Agreement in Fayette Lakes case attached.

(14) Internal draft of Settlement Certificate (item (10) above), drafts of the Comptroller General's decision, and a few intra-office notes.

If you wish copies of any of the [documents specified in items] (1) through (13), please let us know. However, we would decline to release the [drafts and intra-office notes in item] (14). See 4 C.F.R. § 81.5(a)(10). *could have used except*

We regret that we were unable to provide a more favorable response.

Sincerely yours,



Robert H. Hunter  
Assistant General Counsel